

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARSHALL TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	
)	2:05-cv-00745-A
CHIEF ALFORD WADSWORTH)	
and CHARLOTTE REED,)	
)	
Defendants.)	

MARSHALL TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	
)	2:05-cv-800-T
CHIEF ALFORD WADSWORTH)	
)	
Defendant.)	

MOTION TO COMPEL PRODUCTION

COMES NOW Defendant Chief Alfred Wadsworth, by and through counsel, and respectfully moves this Honorable Court for an Order compelling Plaintiff Marshall Taylor to respond to this Defendant's Interrogatories and Requests for Production pursuant to Rule 37 of the Federal Rules of Civil Procedure, and as grounds therefor states the following:

1. On or about November 21, 2005 counsel for Defendant Wadsworth served Interrogatories and Requests for Production upon Plaintiff Taylor by United States Mail, postage prepaid, to the Plaintiff's address of record. The Plaintiff's responses to said Interrogatories and Requests for Production thus became due on or about December 21, 2005.

2. On December 29, 2005 more than 30 days had passed since service of the Interrogatories and Requests for Production of Documents on the Plaintiff and the Responses were then one week overdue. On that date, the undersigned counsel sent a letter to the Plaintiff, by United States Mail, postage prepaid, to the Plaintiff reminding the Plaintiff that his discovery responses were overdue and requesting the Plaintiff provide his discovery responses within ten days or provide a reasonable date certain upon which their receipt could be expected. (A copy of said letter is attached herewith as Exhibit A.)

3. As of the date of this Motion, counsel for this Defendant has not received the Plaintiff's Responses to this Defendant's Interrogatories and Requests for Production of Documents. Furthermore, the Plaintiff has failed to respond in any way to address his overdue discovery responses.

4. This Defendant has been unfairly prejudiced in his ability to investigate the Plaintiff's claims and fully and adequately prepare defenses thereto, and has been prejudiced in his ability to comply with this Court's Scheduling Order.

WHEREFORE, on the grounds set forth above, Defendant Wadsworth respectfully prays this Honorable Court enter an order compelling the Plaintiff to respond forthwith to his Interrogatories and Requests for Production and further order such other relief as the Court finds just and equitable.

/s/ S. Mark Dukes
ALEX L. HOLTSFORD (ASB-9586-D62A)
S. MARK DUKES (ASB-9697-U77S)
Counsel for Defendant Alfred Wadsworth

OF COUNSEL:
Nix, Holtsford, Gilliland, Higgins & Hitson, P.C.
P.O. Box 4128
Montgomery, AL 36103-4128
334-215-8585 - Phone
334-215-7101 - Facsimile
mdukes@nixholtsford.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to

Mr. Marshall Taylor
229 Lewis Street
Prattville, AL 36067

on this the 19th day of January, 2006.

/s/ S. Mark Dukes

OF COUNSEL